



PENRITH



CLAREMONT MEADOWS

Section 94 Development Contributions Plan Amendment No. 1

Adopted by council 13th December 2004
Effective from 21st December 2004

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1. INTRODUCTION

1.1 WHAT IS SECTION 94?

Section 94 of the Environmental Planning and Assessment Act 1979, enables councils to levy contributions from developers for the provision of public amenities and services which are required as a consequence of development.

The Land and Environment Court have determined that Section 94 is the sole mechanism that a council can use to levy contributions from a developer.

The application of Section 94 follows three general principles:

- (i) the contribution must be for, or relate to, a planning purpose;
- (ii) the contribution must fairly and reasonably relate to the subject development; and
- (iii) the contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

Under Section 94(1) a council is able to impose a condition on any development consent requiring a contribution to:

- (i) provide works or facilities to be carried out in the future; or
- (ii) fund works or facilities from which the development or its occupants will benefit.

1.2 TYPES OF CONTRIBUTION

Section 94 makes provision for three (3) methods of payment of contribution:

- (i) dedication of land to Council free of cost;
- (ii) monetary contribution; and
- (iii) works in kind (material public benefit - physical components not being land, which are of benefit to the general community.)

1.3 PURPOSE OF THIS PLAN

This Plan sets down Council's policy for raising, holding and expending Section 94 contributions for the Claremont Meadows estate.

Contributions for the Claremont Meadows estate are levied on a per developed hectare basis for road works, drainage, open space and conservation and community facilities; and per lot basis for street tree planting.

A levy for plan administration is also charged, based on a proportion of the total contribution payable. It is anticipated that it may be appropriate to borrow money to fund the works in advance of contributions being received. If money is borrowed, the contributions will need to fund the interest costs.

All contributions will be adjusted quarterly in accordance with the appropriate indexes, and trends in the costs of components. Details of the current rates as adopted, may be obtained from Council. Contribution rates and their underlying basis will be regularly reviewed.

A formula has been developed for each item in order to calculate the contribution rate within the contribution plan area.

The formula takes into account the following:

- cost of works; and
- size of the developable area;

1.4 FINANCIAL INFORMATION

Council maintains a contributions register in accordance with clause 34 of the Environmental Planning and Assessment Regulation 2000.

A separate accounting record is maintained by Council's Financial Services Department for this Plan. It contains details of contributions received and expended, including interest earned, for each contribution category. These records are available for inspection free of charge at Council.

1.5 PLAN REVIEW

The Plan will be reviewed and updated periodically based on development rates and levels of facility provision. Any infrastructure works that have been constructed by Council at the date of review will be carried forward in the adjusted works schedule at their actual cost plus any accrued interest payments on borrowed funds used to construct the works. The revised plan will be advertised and considered in accordance with the legislation and regulations.

2. GENERAL

2.1 AIMS AND OBJECTIVES

The aims and objectives of this plan are:

- (a) to ensure that the level of provision of facilities and services is adequate to satisfy the demand generated by additional development;
- (b) to ensure the equitable recovery of the costs of major capital works necessary for development to occur;
- (c) to ensure the equitable distribution of costs associated with works installed in the course of or after development;
- (d) to levy section 94 contributions for the purposes of road works, drainage, open space/conservation, community facilities, street tree planting and administration for the Claremont Meadows estate;
- (e) to protect and preserve native vegetation and biodiversity and enhance habitat for threatened species; and
- (f) to ensure that the contributions levied on development are reasonable.

2.2 LAND AFFECTED BY THE PLAN

This plan applies to the land as shown on Map 1. Gipps Street forms the boundary between the eastern and south western precincts in Stage 2.

2.3 DEVELOPABLE AREA

Developable area for the purposes of determining contribution rates in this Plan means the total site area of any particular site less certain specific land to be excluded. The Claremont Meadows Stage 2 estate has a developable land area of 54.6 ha.

2.4 RELATIONSHIP TO OTHER PLANS

The Penrith Local Environmental Plan 1998 (Urban Land) was gazetted on 8 January, 1999. It is the planning instrument applying to Stage 1 of the Claremont Meadows estate.

The Penrith Local Environmental Plan 1998 (Urban Land) Amendment No. 14 (refer to Map 6) rezones land within Claremont Meadows Stage 2 to allow residential development and conservation of bushland. The Local Environmental Plan (LEP) Amendment brings



Claremont Meadows Stage 2 within Penrith's main residential planning instrument, the Penrith Local Environmental Plan 1998 (Urban Land.) The Plan allows for a mix of lot sizes ranging from a minimum of 250 m² to over 1,700 m², providing for a mix of dwelling types and population.

The Claremont Meadows Stage 2 Development Control Plan (DCP) provides more detailed controls for development, including specific controls for the eastern precinct which have been developed out of the master plan process. The DCP is subject to further amendment to incorporate detailed provisions for the south western precinct arising from the master plan process.

These plans provide the statutory framework for subdivision and development of the land.

To the extent that it is not inconsistent, this plan operates in addition to other section 94 contributions plans.

2.5 NEXUS

This plan adopts as its basic rationale the following principles in establishing a nexus between a proposed development and the service or facility:

- provision of a service and/or facility via a Section 94 contribution is a measurable consequence of the proposed development.
- the service and/or facility can be physically provided within a reasonable time interval.

A *nexus* is a link or connection between two or more things. Before levying developers for contributions, Council must establish a clear link or nexus between the contribution being sought and the development being levied. That is, it must be likely that the residents of the development being charged will benefit from the service or facility being provided.

There are three types of nexus – causal, physical and temporal. Causal nexus establishes that the need for a service or facility is a direct result of the development being levied. Physical nexus means that the facility to be provided is physically close enough to the development being levied for it to benefit. Temporal nexus involves the facility being provided within a reasonable time.

This plan also recognises that the new residential development and population growth in Claremont Meadows Stage 2 is impacting upon the habitat of native fauna and flora [particularly the remnant Cumberland Plain Woodland, Shale Plains Woodland (SPW)(a form of Cumberland Plain Woodland), Shale/Gravel Transition Forest (SGTF), Alluvial Woodland (also known as Sydney Coastal River Flat Forest (SCRFF), the Grey-headed Flying Fox (*Pteropus poliocephalus*) and the endangered Large Land Snail (*Meridolum corneovirens*)(which uses CPW as its habitat)] and recognises the need to acquire and protect areas of remnant bushland that are also capable of providing low scale or passive recreation opportunities. The cost of purchase and embellishment of these areas are directly attributable to new development in the area.

2.5.1 BACKGROUND

This Plan is a review of the Claremont Meadows Section 94 Contributions Plan adopted by Council in June 1998. The existing estate at Claremont Meadows has approximately 1200 dwellings. Section 94 contributions have been paid to provide a number of facilities in the existing estate. Some funds, which have been collected towards facilities intended to service the whole estate, remain.

2.5.2 EXPECTED COMMUNITY

To gain an understanding of the likely characteristics of the incoming population, the age distribution information for Claremont Meadows from the 2001 Census has been used. Comparisons of that information are also made with the Penrith LGA and the Sydney Region as a whole.

Table 1 gives the age distribution for Claremont Meadows, the Penrith LGA and the Sydney Region. The age structure in the table clearly demonstrates that Claremont Meadows has a much higher proportion of persons aged 0-9 years than either the Penrith LGA or the Sydney Region. Households are generally much younger in the estate when compared to the Penrith LGA average or the Sydney Region.

Table 1 Age distribution (%)

Age	Claremont Meadows	Penrith LGA	Sydney Region
0-4	11.8	8.1	6.7
5-9	12.5	8.3	6.8
10-14	8.1	8.1	6.7
15-19	6.8	8.2	6.9
20-34	28.2	23.6	23.1
35-49	22.2	22.6	22.6
50-59	5.9	10.9	11.4
60-69	2.2	5.1	7.1
70+	2.4	5.1	8.7

Note: Figures based on information from the 2001 census.

This is further confirmed when comparing the median ages for the 3 areas, with the median ages for Claremont Meadows, Penrith LGA and the Sydney Region being 26 years, 30 years and 34 years respectively. There are proportionally fewer older people in the Claremont Meadows Estate when compared to the Penrith LGA and the Sydney Region.

The pattern of large numbers of households with young age structures and fewer older people is common in new estates such as Claremont Meadows. This household structure will influence the type of services to be provided, particularly community facilities.

2.5.3 AMENITIES AND FACILITIES REQUIRED

The developable land area for the Stage 2 release area is approximately 54.6 ha. The anticipated yield for the whole Claremont Meadows estate is 1700 dwellings (with approximately 1200 dwellings in the existing estate and 500 dwellings in Stage 2.)

This plan includes levies for a number of amenities and facilities. These have been selected based on the anticipated needs of the residents of the release area, given the above demographics. The amenities and facilities included in this plan are road works; drainage; open space and conservation; community facilities and street tree planting.

The list of amenities and facilities is compatible with the amenities and facilities provided in other release areas within the Penrith LGA. Contributions for road works, drainage, open space/conservation and community facilities are based on the amount of land to be developed, while the contribution for street tree planting will be on a per lot basis. In addition to the afore-mentioned, a levy will be charged to cover the cost of administering this plan.

3. ROAD WORKS

3.1 LOCAL ROAD IMPROVEMENTS

Local road improvements include the provision of the interim channelised intersection upgrade of the Gipps Street/Caddens Road intersection and the upgrading of part of Caddens Road in the south western precinct. The section of Caddens Road, which will be upgraded to a 13-metre wide carriageway within a 20-metre wide reservation, is as shown on Map 2.

Table 2

Comment	Calculation
Gipps Street/Caddens Road intersection – interim channelised intersection upgrade	\$252,000
Part Caddens Road upgrading, west of Gipps Street	\$887,000
Total	\$1,139,000

3.2 BUS SHELTERS

Bus shelters will be constructed to serve both the eastern and south western precincts. At this stage, it is unclear as to the entry points of buses into the precincts; however, it is known that buses will travel along Caddens Road and Gipps Street. On this basis, there will be the demand for two bus shelters - one on Caddens Road and the other on Gipps Street. Each bus shelter will include seating, rain protection, lighting and timetable information.

Table 3 Calculation of Contributions

Comment	Calculation
Upgrading of part of Caddens Road, west of Gipps Street	\$887,000
Caddens Road/Gipps Street intersection – interim channelised intersection upgrade	\$252,000
Two bus shelters (one on Caddens Road, one on Gipps Street)	\$ 10,000
Sub total	\$1,149,000
Less funds held	\$155,000
Total cost to be funded under this plan	\$994,000
Stage 2 developable land (hectares)	54.6
Contribution for road works (per hectare)	\$18,206

Note:- Where relevant, estimated cost includes design, documentation and supervision charged at a rate of 15% of the cost of the works.

Works Program

Threshold	Works
On completion of 75% of the development in the eastern precinct	Bus shelter in Gipps Street for the eastern precinct
On completion of 75% of the development in the south western precinct	Bus shelter in Caddens Road for the south western precinct
On completion of 100% of developments in the eastern and south western precincts	Upgrading of part of Caddens Road, west of Gipps Street
On completion of 100% of developments in the eastern and south western precincts	Interim channelised intersection upgrade of the Gipps Street/Caddens Road intersection



4. DRAINAGE

Urbanisation of rural land within a catchment dramatically increases the demand on all services, including trunk drainage. Increased storm water run off can lead to nuisance or severe flooding if it is not properly managed or enters an unprepared water course. Trunk drainage systems carry and control the passage of runoff resulting from all storm events without overflowing and causing damage to property or loss of life.

In addition to controlling water quantity, trunk drainage systems also address water quality. Urban water quality is an issue of concern for the community and plays an important part in the design of urban drainage systems. Aspects such as aesthetics, protection of natural environments, erosion control and preservation of water quality are now accepted as prominent design objectives based on water sensitive urban design principles.

Trunk drainage systems are an essential part of the development of rural land for urban purposes and comprise some or all of the following - channels and low flow pipes; culverts and road crossings; detention and retention crossings; pollution and erosion control devices; and other hydraulic structures.

Developments in the eastern and south western precincts of the Claremont Meadows Stage 2 will drain to South Creek and Claremont Creek respectively. Claremont Creek drains to South Creek, which ultimately drains to the Hawkesbury River.

4.1 EASTERN PRECINCT

4.1.1 LAND NORTH OF CADDENS ROAD

Development to the north of Caddens Road will need to identify individual solutions at the development application stage. If necessary, once identified, these works will be included in this plan.

4.1.2 LAND SOUTH OF CADDENS ROAD

Development to the south of Caddens Road will drain into a subsurface wetland/basin which is to be located in the corridor lands immediately to the north of Caddens Road. It will provide water quality and quantity control before discharging into South Creek. Pits, pipes and other structures to convey water to this basin will need to be provided as part of subdivision works and will be required on individual development consents.

Table 4 Calculation of Contributions

Comment	Calculation
Subsurface wetland/basin to serve that portion of the eastern precinct south of Caddens Road	\$541,575
Provision of subsurface wetland/basin to serve that portion of the eastern precinct south of Caddens Road (hectares)	18.4
Contribution for drainage for land in the eastern precinct, south of Caddens Road (per hectare)	\$29,434

4.2 SOUTH WESTERN PRECINCT

The upgrading of the Caddens Road culvert to convey 1% of AEP flood flows has been identified at an estimated cost of \$760,000.

Table 5 Calculation of Contributions

Comment	Calculation
Upgrading of Caddens Road culvert to convey 1% of AEP flood flows	\$760,000
Less funds held	\$ 34,000
Sub total	\$726,000
Stage 2 developable land (hectares)	26.46
Contribution for drainage for developable land in the south western precinct, south of Caddens Road (per hectare)	\$27,438

4.2.1 LAND EAST OF CLAREMONT CREEK

In addition to the above-mentioned facilities, the development of land to the east of Claremont Creek will also drain into a detention basin/subsurface wetland. This basin will be located on land zoned 6(b) and is also known as Caddens Road Park which has an approximate area of 1.57 ha. The detention basin/subsurface wetland includes a gross pollutant trap(s) to control the increased peak discharge to Claremont Creek. The detention basin/subsurface wetland and gross pollutant trap have been identified at an estimated cost of \$902,000.

Table 6 Calculation of Contributions

Comment	Calculation
Detention basin/subsurface wetland and gross pollutant trap(s) to control the increased peak discharge to Claremont Creek	\$ 902,000
Land acquisition	\$ 1,968,750
Sub total	\$2,870,750
Detention basin/subsurface wetland and gross pollutant trap will benefit all land to the east of Claremont Creek in the south western precinct, south of Caddens Road (hectares)	24.48
Contribution for drainage for land east of Claremont Creek in the south western precinct, south of Caddens Road (per hectare)	\$117,270

4.2.2 LAND WEST OF CLAREMONT CREEK

In addition to the contribution made towards the upgrading of the Caddens Road culvert and the formation of Caddens Road, developers of land west of Claremont Creek will also be required to identify collective and individual solutions at the master planning and development application stages respectively.

Works Program

Threshold	Works
75% development of relevant catchment in eastern precinct, south of Caddens Road	Subsurface wetland/detention basin
75% of development of relevant catchment in south western precinct, land east of Claremont Creek	Subsurface wetland/detention basin and gross pollutant trap(s)
100% of development of south western precinct	Upgrading of Caddens Road culvert and formation of Caddens Road trafficable to 1% of AEP flood level



5. OPEN SPACE

All communities require some form of open space/recreation facilities. These facilities have been selected based on the likely demand given expected population characteristics. Some of these facilities have been provided in the existing estate.

The categories of land values identified in the release are unconstrained residential land, flood prone land and vegetation constraint land.

5.1 CADDENS ROAD PARK

Caddens Road Park, which has an approximate area of 1.57 ha, is used both as a detention basin incorporating a subsurface wetland as well as a low recreational open space area. The park forms part of the Claremont Creek catchment providing for passive recreation open space and contributes to the scenic amenity of the Claremont Meadows development. A half basketball court; an adventure play equipment; and two picnic/eating areas and shade structures will be located in the south eastern corner of the Caddens Road Park. Some contributions for the park have been levied from the existing estate.

5.2 COUNCIL'S GIPPS STREET SITE

The *Claremont Meadows Community Facility Needs Assessment* undertaken by Council recently identified the need for a hard surface area for skateboarding. The localised skate park will be provided on Council's Gipps Street site, its final location to be determined during the master planning process. The estimated cost of providing the facility is \$300,000. This provides for consultation, concept development, development application, detailed design and construction including earthworks, toilet facilities and lighting if required. The skate park will be located on the site with excellent surveillance. It will also be close to transport and parking facilities.

5.3 NEIGHBOURHOOD PARKS

Developments in the eastern and south western precincts will generate a need for one neighbourhood park respectively, with associated facilities such as play equipment, seating, pathways, etc. Each park will be centrally located to residential development to provide optimal pedestrian access for residents. The approximate areas of the eastern and south western neighbourhood parks are 3750 m² and 3000 m² respectively.

5.4 CALCULATION OF CONTRIBUTIONS

Tables 7 and 8 provide summaries of levies for open space embellishment and acquisition.

Table 7 Open Space Embellishment

Comment	Calculation
Caddens Road Park - a half basketball court, an adventure play equipment, two picnic/eating areas and shade structures (@\$20,000)	\$189,000
Caddens Road Park – servicing and roads	\$289,312
Council’s Gipps Street site – skate park	\$255,000
Sub total	\$733,312
Eastern precinct neighbourhood park - play equipments, seating, pathways, etc. - servicing and roads	\$153,000 \$26,000
South western neighbourhood park - play equipments, seating, pathways, etc. - servicing and roads	\$153,000 \$125,520
Sub total	\$1,190,832
Design, documentation and supervision charged (15% of the cost of works)	\$178,625
Total cost to be funded under this plan	\$1,369,457
Stage 2 developable land (hectares)	54.6
Contribution towards developable land for open space (embellishment)(per hectare)	\$25,082

Table 8 Open Space Acquisition

Comment	Calculation
Contributions are based on the cost of acquisition as listed above	
Caddens Road Park	\$1,968,750
Less funds held	\$ 142,000
Sub total	\$1,826,750
Eastern precinct neighbourhood park	\$937,500
South western precinct neighbourhood park	\$750,000
Total cost to be funded under this plan	\$3,514,250
Stage 2 developable land (hectares)	54.6
Contribution towards developable land for open space (acquisition)(per hectare)	\$ 64,364

Works Program

Threshold	Works
On completion of 75% of development in the eastern precinct	Neighbourhood park, eastern precinct
On completion of 75% of development in the south western precinct By notice, in writing, from respective owners	Neighbourhood park, south western precinct Acquisition of Caddens Road Park
On completion of 100% of developments in eastern and south western precincts	Caddens Road Park – servicing and roads, embellishment and works
On completion of 100% of developments in eastern and south western precincts	Council's Gipps Street site – skate park

6. CONSERVATION LAND

As a direct consequence of development occurring in Claremont Meadows Stage 2, there is a recognised public amenity value in preserving bushland, particularly the stands of remnant bushland adjacent to the South Creek corridor and Claremont Creek. The conservation of the bushland will provide not only an ideal setting for meeting the needs of the residents for passive recreation such as walking, sitting and enjoying the natural surroundings but also serves as an important drainage function which will have a positive effect on water quality as well as preserving biological diversity. Conservation of biodiversity is a fundamental principle of ecologically sustainable development.

An ecosystem is a dynamic complex of plant and animal communities interacting as an ecological unit and conservation is recognised as the preferred approach to its management. Approximately 13 ha of remnant bushland, which adjoins the State Government's South Creek Corridor, will be conserved in the eastern precinct. The remnant bushland to be conserved in the south western precinct, adjacent to Claremont Creek, totals approximately 6 ha. This area of land generally corresponds with land subject to the 1% AEP flood and needs to be conserved for biodiversity, drainage and public safety reasons. The flood liable land does not have development potential due to the fact that it is flood prone.

Conservation lands in Claremont Meadows Stage 2 are zoned 7(a) (Flora and Fauna Conservation) and 7(b) (Proposed Flora and Fauna Conservation) under the Penrith LEP 1998 (Urban Land) Amendment No. 14. Land zoned 7(a) is owned by Landcom and totals approximately 13.4 ha. Landcom will be dedicating the land to Council under a Deed of Agreement. Consequently, Landcom will be exempt from paying the contribution for the acquisition of privately owned conservation/flood corridor land. Land zoned 7(b) totals approximately 5.6 ha. Council will be acquiring this land.

Incoming residents to Claremont Meadows will derive benefit from the public amenity created by the conservation of the biodiversity and remnant bushland. The remnant bushland to be conserved is considered to satisfy the need generated by the incoming residents for passive recreation open space. It will also benefit the residents in the form of public amenity arising from the maintenance of biological diversity, improved water and air quality and natural viewsapes.

6.1 CALCULATION OF CONTRIBUTIONS

Tables 9 and 10 provide summaries of levies for embellishment and acquisition of conservation land.

Table 9 Conservation Land Embellishment

Comment	Calculation
South western precinct: landscaping, planting, seating and shared pathways (\$360,000); servicing and roads (\$144,656)	\$504,656
Eastern precinct: 1,760 m low fence infill mesh @ \$30/m (\$52,800); 1.2 m wide pathway @ \$45/m ² x 1,760 m (\$95,040)	\$ 147,840
Sub total	\$652,496
Design, documentation and supervision charged (15% of cost of works)	\$ 97,875
Total cost to be funded under this plan	\$750,371
Stage 2 developable land (hectares)	54.6
Contribution towards developable land for conservation (embellishment)(per hectare)	\$13,744

Table 10 Conservation Land Acquisition

Comment	Calculation
South western precinct	\$1,687,325
Eastern precinct	\$1,000,000
Total cost to be funded under this plan	\$2,687,325
Stage 2 developable land (hectares)	34.18
Contribution towards developable land for conservation (acquisition)(per hectare)	\$ 78,623

Works Program

Threshold	Works
On release of the linen plan for subdivision of land in the eastern precinct, being Lots 2,3 and 4 DP 27233; Lots 2,3,4 and 5 DP 237357; and Lot 734 DP 749738	Transfer of publicly owned land within the conservation area
By notice, in writing, from respective owners of land	Acquisition of privately owned land in conservation area
Over three years from acquisition of conservation area	Conservation area embellishments in accordance with a Plan of Management



7. COMMUNITY FACILITIES

Community facilities provide focus points where residents can meet and participate in a variety of activities. They can cater for a diverse range of ages and interests and help reduce the likelihood of social problems caused by isolation. In the past, there has been a tendency to provide specific use community facilities based on the characteristics of the population at the time of provision. Whilst this would meet the immediate need at the time, this could result in facilities being unable to adequately meet the range of community needs as the population profile changes.

To ascertain the current community facilities need in Claremont Meadows, a *Community Facility Needs Analysis* was conducted in October and November 2003. The *Needs Analysis* included a random survey of households, a survey of service providers, a demographic analysis and two community meetings. The *Community Facility Needs Analysis* outlined three options for the enhancement of community facilities to meet the needs of the Claremont Meadows residents. Council at its meeting of 16 August, 2004 endorsed, in part, further conceptual design investigations of the existing Claremont Meadows Community Centre extension to meet the needs of all client groups including young people in the estate and the additional 0-2 year olds child care places at an existing Council child care centre within a 2.5 kms radius of the Claremont Meadows shops and neighbourhood centre.

7.1 EXTENSION TO THE COMMUNITY CENTRE

The extension to the existing community centre adjacent to the shops and school includes the construction of an additional activity room of approximately 40m² -50m² and associated works to accommodate youth activities, as well as the anticipated other facility demands generated by the Stage 2 development. This is provided in lieu of a purpose built youth centre which is not viable due to a lack of recurrent funding for associated staff. The provision of an additional space in the community centre will result in an enlargement of its capacity to have two larger activities take place at the same time.

The estimated cost of the extension is \$300,000 (plus 16% for design, documentation and supervision.) Part of the funds collected from the Stage 1 development will be made towards the cost of providing the extension to the community centre.

7.2 ADDITIONAL CHILD CARE PLACES

Whilst there is a need for 0-2 year old places for the Claremont Meadows residents, there is insufficient demand to warrant the provision of a purpose built 40-place centre in Claremont Meadows. However, the required additional child care places can be provided at the St Marys Preschool which is within 2.5 kms radius of the Claremont Meadows community precinct.

The estimated cost of providing the additional child care places is \$709,000 (plus 16% for design, documentation and supervision.) Part of the funds collected from the Stage 1 development will also be made towards the cost of providing the additional child care places.

Table 11 provides a summary of the community facilities to be provided for Claremont Meadows.

Table 11 Calculation of Contributions

Comment	Calculation
Extension to community centre	\$300,000
Additional child care places at St Marys Preschool – capital cost	\$709,740
Design, documentation and supervision (16% of construction works)	\$161,559
Sub total	\$1,171,299
Less funds held	\$629,000
Total cost to be funded under this plan	\$542,299
Stage 2 developable land (hectares)	54.6
Contribution towards developable land for community facilities (per hectare)	\$ 9,933

Works Program

Threshold

On completion of 50% of developments in the eastern and south western precincts

On completion of 100% of developments in the eastern and south western precincts

Works

Extension to community centre

Additional child care places at St Marys Preschool



8. STREET TREE PLANTING

A contribution of \$160 per lot has been allowed for the propagation or purchase of street trees and planting is included in the plan so that an integrated streetscape improvement program can be implemented which promotes the image of high quality living environment and park like character.

9. CONTRIBUTION RATES CALCULATIONS

9.1 SETTING AND INDEXATION OF CONTRIBUTION RATES

In order to provide sufficient funding to cover price rises between writing the plan and paying for the items to be delivered by the plan, it is necessary to index the amounts that will be contributed. Indexing applies from date of adoption until issue of consent (per 9.1). Clause 11.10 provides for the indexation of contributions after the issue of development consent.

The Section 94 contribution rates will be indexed based on:

- i) the Consumer Price Index (All Groups Sydney) or equivalent index system or a projection thereof, and
- ii) the appropriate interest rate for that portion of the plan that is loan funded, and
- iii) the land value index for that proportion of the plan that relates to land acquisition or equivalent index system or a projection thereof.

The indexation will be in accordance with this plan and the rates will be published in Council's Annual Management Plan in July each year listing the rates for the next 12-month period. The formulas automatically adjust in the first quarter of each management plan for any prior estimation errors. The method of establishing the contribution rate to be published in the Management Plan shall be to estimate the result that would be achieved by applying the following formulas on a quarterly basis.

In addition, Council may review the whole Contributions Plan, and subject to the regulations could adopt new contributions rates.

There will also be periodic review of the plan and the construction costs of all items. At the time of these reviews the revised contribution rate will not apply to developments that have already been approved or completed.

9.1.1 GENERAL CONTRIBUTION RATES

Except for those contribution rates which are required by section 9.1.2 and 9.1.3 to be adjusted by the methods specified in those sections, all rates found in section 12 will be adjusted as follows:

$$RC = AC \times CPI/ACPI$$

Where:

RC is the amended contribution rate

AC is the contribution rate as at the date of adoption of this plan

CPI is the latest Consumer Price Index (All Groups Sydney)

ACPI is the Consumer Price Index (All Groups Sydney), which applied at the date of adoption of the plan

9.1.2 CONTRIBUTION RATE LOAN FUNDED

Where loan funds have been applied in the provision of works and services or land have been provided, the contribution rates in respect of the works, services or land will be reviewed in accordance with the following formula from the date the loan funds are drawn down and every quarter thereafter:

$$RC = PC \times (1+r)$$

Where:

RC is the amended contribution rate

PC is the contribution rate at the previous quarter

r is the interest rate applicable on the last day of the quarter of the 90-day bank bill swap rate plus 1% rate and then converting the annual rate to a quarterly rate by dividing by 4

9.1.3 INDEXATION OF CONTRIBUTION RATE FOR LAND ACQUISITION

The contribution rate for land acquisition (as found in Section 12) will be amended, pursuant to clause 32(3)(b) of the Environmental Planning and Assessment Regulation 2000, in line with movements in the Index.

The amended contribution rate will be:

$$RC = AC \times CV/VA$$

Where:

RC is the amended contribution rate for land acquisition

AC is the contribution rate for land acquisition as at the date of adoption of this plan

CV is the Index current from time to time

VA is the Index at the date of adoption of this plan

For the purposes of this clause 9.1.3 'Index' means the index for established home prices: Sydney as published by the Australian Bureau of Statistics.

9.1.4 AMENDED CONTRIBUTION RATES

The amended contribution rates shall replace the contribution rates as found in Section 12.

10. ADMINISTRATION LEVY

To monitor, review and implement the Section 94 Contributions Plan, Council must dedicate staff and resources to the task. This has resulted in the inclusion of an administrative component equivalent to 1% of: i) the total works and facilities or land to be provided divided by the total developable area; and ii) the total amenities to be provided for each lot.

10.1 DEVELOPABLE AREA

Contributions are based on the total cost of works and facilities or land divided by the total developable area. The administration levy is determined using the following formula:

$$\text{\$D/DA} \times 0.01 = \text{\$A}$$

Where:

\\$D is the total cost of works and facilities or land

DA is the total developable area

\\$A is the contribution payable for administration

10.2 STREET TREE PLANTING

A contribution of \$160 will be levied for each lot. The administration levy is determined using the following formula:

$$\text{\$T} \times 0.01 = \text{\$A}$$

Where:

\\$T is the cost for the propagation or purchase of street trees and planting for each lot

\\$A is the contribution payable for administration

11. PAYMENT METHODS AND TIMING

11.1 DEVELOPMENT CONSENT

Council will impose as a condition of consent, a requirement for the payment of a Section 94 contribution in respect of an application for development which gives rise to the need for facilities or works to be funded.

11.2 PAYMENT METHOD

Payment of the contributions will be required prior to the release of the linen plan for subdivision developments or at lodgement of a construction certificate for other forms of development. Payment may be made by any means acceptable to Council provided that if the payment is not cash or bank cheque, then any costs or commission payable by Council on the transaction or its collection must also be paid and the payment shall not be deemed to be received until Council's bankers acknowledge that the funds are cleared.

11.3 WORKS IN KIND

Council may accept the construction of amenities or services to offset the monetary contribution payable.

The works provided must be in accordance with the Schedules of Works embodied in this plan. The applicant will be required to provide full details of the work proposed to be undertaken for Council's consideration.

11.4 CONDITIONS OF AGREEMENT

Documentation necessary for the verification of proposed credits will also be outlined in the consent and a reasonable time frame will be established in order to prevent any delay.

In addition, conditions of transfer, including restoration and maintenance arrangements, will be set out in the consent.

If a detailed design for works in kind has not been completed at the time of consent, which does not require amendment, the value and conditions will be outlined in the consent notice. The arrangements for this are discussed below.

11.5 VALUATION OF WORKS IN KIND

At the time of detailed design and documentation a cost estimate will be established. If this varies from the adopted Section 94 budget, steps will be taken to rectify the variation. Land which has not been redeveloped which benefits from the works in kind will be affected by any increase and will similarly be affected by any decrease.

Once an agreement has been reached between Council and the developer about the revised cost, the developer may undertake the works. The developer will remain liable for any cost overruns. Similarly, any economies in construction costs will flow to the developer, provided that the quality of the work is not diminished. No further verification of the cost of work will be necessary following the detailed design and estimation. However, a valuation will be required, as the work will form part of Council's asset register.

11.6 TRANSFER OF LAND

Where Council considers that land is to be transferred is an integral part of a development proposal or the land transfer is required because it contains works for the benefit of the community, Council can require the land to be transferred to Council.

11.7 CREDITS

Prior to work being commenced, which would result in a developer entering into a position of credit, Council approval will be required. This may occur in conjunction with development consent after assessment of likely Section 94 works.

Following satisfactory completion of any works and their valuation, the item will be acknowledged as a credit against Section 94 liabilities for the relevant section of the budget.

11.8 TIMING OF PAYMENT

A contribution is payable on every parcel of land to which a Development Application applies. If a contribution has already been paid under this plan, then no contribution is payable on that portion of the land already levied and paid.

Development Applications involving Subdivision works

- Payment to be made prior to release of the linen plan of subdivision.

Development Applications involving Building Work

- Payment to be made at the time of building approval.

Development Applications where no Building Approval is required

- Payment to be made prior to occupation of the premises.

In the event that this plan is reviewed and new contribution rates are established, any payments not already due will become due on the day prior to the new rates being adopted. The developer may alternately request the contribution be recalculated under the new rates.

11.9 TIMING OF WORKS

The rate of receipt of income from Section 94 Contributions is dependent on the rate of development, which is difficult to precisely predict. This plan aims to provide works within a reasonable period of time in accordance with the indicative timeframes for each of the respective facilities. Nothing in this plan binds the Council to have to provide any works or material public benefit the subject of this plan in advance of receipt of sufficient funds through the contributions that have been made under this plan.

11.10 INDEXATION OF CONTRIBUTIONS AFTER ISSUE OF CONSENT

The contributions payable are stated in the development consent. The Council shall be entitled on the condition of consent to require the contribution payable to be increased by an amount in accordance with the following formula:

$$\text{NCP} = \text{CP} \times \text{CPI (at the date of calculation)} / \text{CPI (at the date the consent was approved)}$$

Where:

NCP = New contribution payable

CP = Contribution payable in the consent

CPI = Consumer Price Index (All Groups Sydney) or the Index for Established Home Prices: Sydney as published by the ABS

The NCP shall become the contribution payable under the development consent.

11.11 DEFERRED PAYMENT OF CONTRIBUTIONS

Council will give consideration to any request for deferment of contributions on its merits; however, the developer must make written application.

If Council grants such a request it is conditional upon the applicant providing a suitable Bank Guarantee and Deed of Agreement.

A period for deferral of a contribution will be agreed between the applicant and Council prior to preparation of the Bank Guarantee. The period may be extended in circumstances acceptable to Council.

Interest and an administrative fee will be charged on deferred contributions. The amount of the Bank Guarantee will be calculated as follows:

$$G = C \times (1 + I)^P$$

Where:

G is the amount of the Bank Guarantee

C is the contribution owing at the time the contribution is due

I is the estimated compound interest rate set by Council

P is in years

The guarantee will be terminated when the liability is met by the payment of cash or transfer of land or works.

The Deed of Agreement is to be prepared by Council's solicitors at full cost to the applicant.

If contributions are not paid by the due date the Bank Guarantee will be called up by Council.

12. CONTRIBUTIONS RATE SUMMARY

12.1 GENERAL CONTRIBUTION RATES

ITEMS	Contribution Rate Per Hectare (Ha)
1.0 Road works	\$18,206
2.0 Open space - embellishments	\$25,082
2.1 Conservation/flood corridor - embellishments	\$13,744
3.0 Community facilities – works	\$9,933
Sub total	\$66,965
4.0 Administration levy (1%)	\$670
Total	\$67,635

	Contribution Rate Per Lot
5.0 Trees	\$160
6.0 Administration levy (1%)	\$2
Total	\$162

The following **ADDITIONAL** general contribution rates will be levied (where applicable) for each precinct/part precinct.

Stage 2: Eastern Precinct - Land South Of Caddens Road

ITEMS	Contribution Rate Per Hectare (Ha)
7.0 Drainage works	\$29,434
8.0 Administration levy (1%)	\$295
Total	\$29,729

Stage 2: Eastern Precinct - Land North Of Caddens Road

Developers will be required to identify individual solutions at the development application stage.

Stage 2: South Western Precinct, West Of Claremont Creek

ITEMS	Contribution Rate Per Hectare (Ha)
9.0 Drainage works	\$27,438**
10.0 Administration levy (1%)	\$275
Total	\$27,713

** This contribution rate is made towards part of the drainage solution for the precinct. Developers/owners of land west of Claremont Creek will be required to identify collective or individual solutions at the master planning or development application stages respectively.

Stage 2: South Western Precinct, East Of Claremont Creek

ITEMS	Contribution Rate Per Hectare (Ha)
11.0 Drainage works	\$64,285
12.0 Administration levy (1%)	\$643
Total	\$64,928

12.2 LAND ACQUISITION CONTRIBUTION RATES

ITEMS	Contribution Rate Per Hectare (Ha)
13.0 Open space land acquisition	\$64,364
14.0 Conservation/flood corridor	\$78,623*
Sub total	\$223,410
15.0 Administration levy (1%)	\$2,235
Total	\$225,645

** Does not apply to allotment with land partly zoned 7(a) under Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No. 14).*

The following additional land acquisition contribution rate will be levied for land in the south western precinct, south of Caddens Road, east of Claremont Creek

Stage 2: South Western Precinct, East of Claremont Creek

ITEMS	Contribution Rate Per Hectare (Ha)
16.0 Drainage	\$80,423
17.0 Administration levy (1%)	\$805
Total	\$81,228

Map 6 Penrith Local Environmental Plan 1998 (Urban Land) Amendment No. 14

